

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

UNITED STATES OF AMERICA . CRIMINAL ACTION NO.
. 4:19-CR-116-O-1
. 4:19-CR-129-Y-1
. 4:19-CR-137-O-1
. 4:19-CR-139-O-1
V. .
. .
OSCAR OREGEL, SR. .
RUBEN BELTRAN CASTANON .
MICHAEL KYLE SEWELL . Fort Worth, Texas
BOBBY JOE GOVEA . May 8, 2019
.

TRANSCRIPT OF PROCEEDINGS
(Guilty Plea Hearing)
BEFORE THE HONORABLE JEFFREY L. CURETON
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

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P R O C E E D I N G S

(Commencing, 9:40 a.m.)

THE COURT: The Court has several matters that are set for guilty plea at arraignment or rearraignment. So as I call your name, if you will please come forward and stand before the bench, you will be joined by your counsel.

We'll begin with Cause Number 4:19-CR-116, United States versus Oscar Oregel. Ms. Aisha Saleem is present for the government and Mr. Scott Palmer for the defense.

Yes, if you will come right around front.

Cause Number 4:19-CR-129, United States versus Ruben Castanon. Ms. Saleem for the government and Mr. John Stickney for the defense.

Cause Number 4:19-CR-137, United States versus Michael Sewell. Mr. Jay Weimer for the government. Mr. Brook Antonio for the defense.

And, finally, Cause Number 4:19-CR-139, United States versus Bobby Govea. Ms. Saleem for the government and Mr. Jaidee Serrano for the defense.

For this proceeding, I need to have each defendant placed under oath. Would you please raise your right hand to the best of your ability and be sworn by my clerk?

(Defendants sworn by the clerk)

THE COURT: Very good. I'll have the record reflect that each defendant answered in the affirmative.

1 I will ask that you speak up nice and loud for me. It's a
2 big courtroom, and that way I can hear you and the court
3 reporter can hear your responses.

4 Would you state your full name for the record, beginning
5 over here with Mr. Oregel?

6 DEFENDANT OREGEL: Oscar Oregel, Your Honor.

7 THE COURT: Thank you. No middle name, sir?

8 DEFENDANT OREGEL: No.

9 THE COURT: Mr. Castanon?

10 DEFENDANT BELTRAN: Ruben Beltran Castanon.

11 THE COURT: And you primarily go by the last name
12 Castanon?

13 DEFENDANT BELTRAN: Beltran.

14 THE COURT: Beltran. Thank you.

15 Mr. Sewell?

16 DEFENDANT SEWELL: Michael Kyle Sewell.

17 THE COURT: Thank you.

18 Mr. Govea?

19 DEFENDANT GOVEA: Bobby Joe Govea, Jr., Your Honor.

20 THE COURT: I appreciate that.

21 Is your name spelled correctly in the information filed
22 against you, Mr. Oregel?

23 DEFENDANT OREGEL: Yes, it is, sir.

24 THE COURT: Mr. Beltran, is your name spelled
25 correctly in your indictment?

1 DEFENDANT BELTRAN: Yes, sir.

2 THE COURT: Mr. Sewell, is your name spelled
3 correctly in your information?

4 DEFENDANT SEWELL: Yes, Your Honor.

5 THE COURT: And in yours, Mr. Govea?

6 DEFENDANT GOVEA: Yes, Your Honor.

7 THE COURT: Do each of you understand that you are
8 now under oath, and if you answer any of the Court's questions
9 falsely, your answers could later be used against you in a
10 prosecution for perjury or for making a false statement?

11 Do you understand, Mr. Oregel?

12 DEFENDANT OREGEL: Yes, Your Honor.

13 THE COURT: Mr. Beltran?

14 DEFENDANT BELTRAN: Yes, sir.

15 THE COURT: Mr. Sewell?

16 DEFENDANT SEWELL: Yes, Your Honor.

17 THE COURT: Mr. Govea?

18 DEFENDANT GOVEA: Yes, Your Honor.

19 THE COURT: Do you read, write, and understand the
20 English language?

21 Mr. Oregel?

22 DEFENDANT OREGEL: Yes, Your Honor.

23 THE COURT: Mr. Beltran?

24 DEFENDANT BELTRAN: No, Your Honor.

25 THE COURT: Mr. Sewell?

1 DEFENDANT SEWELL: Yes, Your Honor.

2 THE COURT: Mr. Govea?

3 DEFENDANT GOVEA: Yes, Your Honor.

4 THE COURT: As to Mr. Beltran, I note that Ms. Yovana
5 Gonzalez has been sworn as the court interpreter and is
6 providing that service. Are you able to understand the
7 proceedings through the court interpreter?

8 DEFENDANT BELTRAN: Yes.

9 THE COURT: Very well. To all defendants, do you
10 understand that I am conducting this hearing rather than the
11 district judge in your case based upon your consent? However,
12 it's the district judge who retains all final decision-making
13 authority over your plea, and it's the district judge who will
14 conduct any sentencing in your case.

15 Do you understand, Mr. Oregel?

16 DEFENDANT OREGEL: Yes, Your Honor.

17 THE COURT: Mr. Beltran?

18 DEFENDANT BELTRAN: Yes, sir.

19 THE COURT: Mr. Sewell?

20 DEFENDANT SEWELL: Yes, Your Honor.

21 THE COURT: Mr. Govea?

22 DEFENDANT GOVEA: Yes, Your Honor.

23 THE COURT: I have been provided in each case a
24 document entitled "Consent to Administration of Guilty Plea
25 and Allocution by a United States Magistrate Judge," and these

1 consent forms appear to be signed by each defendant and his
2 counsel.

3 Is it your signature on your consent form, Mr. Oregel?

4 DEFENDANT OREGEL: Yes, Your Honor.

5 THE COURT: Mr. Beltran?

6 DEFENDANT BELTRAN: Yes, sir.

7 THE COURT: Mr. Sewell?

8 DEFENDANT SEWELL: Yes, Your Honor.

9 THE COURT: And Mr. Govea?

10 DEFENDANT GOVEA: Yes, Your Honor.

11 THE COURT: Very well. Then I find that each of the
12 defendants has knowingly and voluntarily waived his right to
13 enter a guilty plea before the district judge and has
14 consented to proceed before me in that plea today.

15 Let me give you some general instructions. You may, if
16 you choose, plead not guilty to any offense charged against
17 you or persist in that plea if it's already been made, and if
18 you plead not guilty, the Constitution of the United States
19 guarantees you the following rights:

20 You have the right to a speedy and public jury trial in
21 this district. You have the right at such a trial for you to
22 confront, that is, to see, hear, and cross examine all
23 witnesses against you. You have the right to use the power
24 and the process of this Court to compel the production of any
25 evidence including the attendance of any witnesses on your

1 behalf.

2 You have the right to have the assistance of an attorney
3 at all stages of the proceedings, and if you cannot afford an
4 attorney, an attorney will be appointed for you as has been
5 done in many of these cases.

6 At such a trial, you could not be compelled to testify,
7 and whether you would testify would be a matter in which your
8 judgment alone would control. At such a trial, the United
9 States would be required to prove your guilt beyond a
10 reasonable doubt, and if you are found guilty, you would have
11 the right to appeal that conviction.

12 Do each of you understand that you have and are guaranteed
13 each of those constitutional rights?

14 Mr. Oregel?

15 DEFENDANT OREGEL: Yes, Your Honor.

16 THE COURT: Mr. Beltran?

17 DEFENDANT BELTRAN: Yes, sir.

18 THE COURT: Mr. Sewell?

19 DEFENDANT SEWELL: Yes, Your Honor.

20 THE COURT: Mr. Govea?

21 DEFENDANT GOVEA: Yes, Your Honor.

22 THE COURT: On the other hand, if you plead guilty
23 and if that guilty plea is accepted by the Court, there will
24 not be a further trial of any kind, so that by pleading guilty
25 you waive your right to a trial as well as those rights that

1 are associated with a trial as I've explained them.

2 Do you understand, Mr. Oregel?

3 DEFENDANT OREGEL: Yes, Your Honor.

4 THE COURT: Mr. Beltran?

5 DEFENDANT BELTRAN: Yes, sir.

6 THE COURT: Mr. Sewell?

7 DEFENDANT SEWELL: Yes, Your Honor.

8 THE COURT: Mr. Govea?

9 DEFENDANT GOVEA: Yes, Your Honor.

10 THE COURT: Generally, a defendant who is accused of
11 a crime cannot plead guilty unless he is actually guilty of
12 that crime. In federal court the judge determines the
13 sentence when a defendant is convicted whether that conviction
14 is on the basis of a jury verdict or upon a plea of guilty.

15 The Court has not and will not talk to anyone about the
16 facts of your case except here in your presence where you and
17 your attorney and representatives of the government are all
18 present. However, if a guilty verdict is entered, a
19 presentence report will be prepared and the Court will review
20 that report with probation officers outside of your
21 presence.

22 If you plead guilty, you will be convicted. However, you
23 and your attorney each will be given an opportunity to present
24 to the Court any pleas for leniency. The penalty will be
25 decided based upon the facts heard in court. You should never

1 depend or rely upon any promise or statement by anyone whether
2 connected with law enforcement or the government or anyone
3 else as to what penalty will be assessed against you.

4 Should you decide to plead guilty, your plea of guilty
5 must not be induced or prompted by any promises, pressure,
6 threats, force or coercion of any kind. A plea of guilty must
7 be purely voluntary, and you should plead guilty only because
8 you are guilty and for no other reason.

9 Do each of you understand all of my explanations with
10 regard to the process and the consequences of pleading guilty?

11 Mr. Oregel?

12 DEFENDANT OREGEL: Yes, Your Honor.

13 THE COURT: Mr. Beltran?

14 DEFENDANT BELTRAN: Yes, sir.

15 THE COURT: Mr. Sewell?

16 DEFENDANT SEWELL: Yes, Your Honor.

17 THE COURT: Mr. Govea?

18 DEFENDANT GOVEA: Yes, Your Honor.

19 THE COURT: Under the Sentencing Reform Act of 1984
20 as it's been construed by our Supreme Court, the United States
21 Sentencing Commission has issued advisory guidelines for
22 judges to consider in determining a sentence in a criminal
23 case.

24 Have each of you discussed with your attorney the charges
25 against you, the matter of sentencing, and how those

1 sentencing guidelines might apply in your case?

2 Have you done so, Mr. Oregel?

3 DEFENDANT OREGEL: Yes, Your Honor.

4 THE COURT: Mr. Beltran?

5 DEFENDANT BELTRAN: Yes, sir.

6 THE COURT: Mr. Sewell?

7 DEFENDANT SEWELL: Yes, Your Honor.

8 THE COURT: Mr. Govea?

9 DEFENDANT GOVEA: Yes, Your Honor.

10 THE COURT: Even so, I must inform you that in
11 determining the sentence it is the Court's obligation to
12 calculate the applicable sentencing guideline range and to
13 consider that range, along with any possible departures under
14 the guidelines, and any other sentencing factors under 18,
15 USC, Section 3553(a).

16 The Court is not bound by facts that may be stipulated
17 between you and your attorney on the one hand and the
18 government on the other. The Court can impose punishment that
19 might disregard stipulated facts or take into account facts
20 that are not mentioned in the stipulations, and in that event,
21 you might not even be permitted to withdraw your plea of
22 guilty.

23 The Court will not be able to determine the proper
24 guideline range for your case until after that presentence
25 report has been completed and both you and the government have

1 had an opportunity to challenge the facts and the conclusions
2 that are in that report. After the Court has determined the
3 proper guideline range under the facts of your case, the Court
4 has the authority to impose a sentence that is above, below,
5 or within that guideline range as long as the sentence imposed
6 is reasonable and it's based upon the facts and the law.

7 You have the right to appeal the sentence the Court
8 imposes unless you waive that right, and under some
9 circumstances, the government also has the right to appeal.

10 Finally, I inform you that within the federal system
11 parole has been abolished, so that if you are sentenced to
12 imprisonment, you will not be released on parole.

13 Do each of you understand all of my explanations with
14 regard to sentencing?

15 Mr. Oregel?

16 DEFENDANT OREGEL: Yes, Your Honor.

17 THE COURT: Mr. Beltran?

18 DEFENDANT BELTRAN: Yes, sir.

19 THE COURT: Mr. Sewell?

20 DEFENDANT SEWELL: Yes, Your Honor.

21 THE COURT: Mr. Govea?

22 DEFENDANT GOVEA: Yes, sir -- yes, Your Honor.

23 THE COURT: How old are you, Mr. Oregel?

24 DEFENDANT OREGEL: Forty-four.

25 THE COURT: Say that again?

1 DEFENDANT OREGEL: Forty-four.

2 THE COURT: Forty-four. All right. Thank you.

3 Mr. Beltran?

4 DEFENDANT BELTRAN: Forty-three.

5 THE COURT: Mr. Sewell?

6 DEFENDANT SEWELL: Eighteen years old.

7 THE COURT: Mr. Govea?

8 DEFENDANT GOVEA: Thirty-two.

9 THE COURT: How far did each of you go in school?

10 Mr. Oregel?

11 DEFENDANT OREGEL: 11th Grade.

12 THE COURT: Mr. Castanon -- Mr. Beltran?

13 DEFENDANT BELTRAN: 4th Grade of elementary school.

14 THE COURT: Okay. Despite not going further in your
15 formal education, are you comfortable understanding today's
16 proceeding?

17 DEFENDANT SEWELL: Yes.

18 THE COURT: How far did you go in your education,
19 Mr. Sewell?

20 DEFENDANT SEWELL: 12th Grade.

21 THE COURT: And you Mr. Govea?

22 DEFENDANT GOVEA: Community college, sir.

23 THE COURT: Okay. Thank you.

24 Are you currently or within the last six months, have you
25 been under the care of a physician or a psychiatrist?

1 Mr. Oregel?

2 DEFENDANT OREGEL: Oh, no, sir.

3 THE COURT: Mr. Beltran?

4 DEFENDANT BELTRAN: No, sir.

5 THE COURT: Mr. Sewell?

6 DEFENDANT SEWELL: Yes, sir.

7 THE COURT: Is there anything about the care or
8 treatment or any medication you might be on that would
9 interfere with your ability to understand what we are doing
10 here today, Mr. Sewell?

11 DEFENDANT SEWELL: No, Your Honor.

12 THE COURT: Mr. Govea, have you been under such care
13 or treatment?

14 DEFENDANT GOVEA: No, sir -- no, Your Honor.

15 THE COURT: Have any of you been recently
16 hospitalized or treated for narcotics addiction or alcoholism?

17 Mr. Oregel?

18 DEFENDANT OREGEL: No, Your Honor.

19 THE COURT: Mr. Beltran?

20 DEFENDANT BELTRAN: No, sir.

21 THE COURT: Mr. Sewell?

22 DEFENDANT SEWELL: No, Your Honor.

23 THE COURT: Mr. Govea?

24 DEFENDANT GOVEA: No, Your Honor.

25 THE COURT: Are you now under the influence of

1 alcohol or any narcotic drug?

2 Mr. Oregel?

3 DEFENDANT OREGEL: No, Your Honor.

4 THE COURT: Mr. Beltran?

5 DEFENDANT BELTRAN: No, Your Honor.

6 THE COURT: Mr. Sewell?

7 DEFENDANT SEWELL: No, Your Honor.

8 THE COURT: Mr. Govea?

9 DEFENDANT GOVEA: No, Your Honor.

10 THE COURT: Do any of you suffer from any emotional
11 or mental disability?

12 Mr. Oregel?

13 DEFENDANT OREGEL: No, Your Honor.

14 THE COURT: Mr. Beltran?

15 DEFENDANT BELTRAN: No, sir.

16 THE COURT: Mr. Sewell?

17 DEFENDANT SEWELL: No, Your Honor.

18 THE COURT: Mr. Govea?

19 DEFENDANT GOVEA: No, Your Honor.

20 THE COURT: Are you of sound mind and do you fully
21 understand what it is we're doing here this morning?

22 Mr. Oregel?

23 DEFENDANT OREGEL: Yes, Your Honor.

24 THE COURT: Mr. Beltran?

25 DEFENDANT BELTRAN: Yes, sir.

1 THE COURT: Mr. Sewell?

2 DEFENDANT SEWELL: Yes, Your Honor.

3 THE COURT: Mr. Govea?

4 DEFENDANT GOVEA: Yes, Your Honor.

5 THE COURT: To defense counsel, do you have any
6 reason to believe your client is not fully competent to enter
7 a plea of guilty?

8 Mr. Palmer?

9 MR. PALMER: No, Your Honor. I believe he's
10 competent to enter a plea of guilty.

11 THE COURT: Thank you.

12 Mr. Stickney?

13 MR. STICKNEY: No, Your Honor.

14 THE COURT: Mr. Antonio?

15 MR. ANTONIO: No, Your Honor.

16 THE COURT: Ms. Serrano?

17 MS. SERRANO: No, Your Honor.

18 THE COURT: And do each of you believe that the plea
19 of guilty your client proposes to make will be a knowing and
20 voluntary plea?

21 Mr. Palmer?

22 MR. PALMER: Yes, Your Honor.

23 THE COURT: Mr. Stickney?

24 MR. STICKNEY: Yes, Your Honor.

25 THE COURT: Mr. Antonio?

1 MR. ANTONIO: Yes, Your Honor.

2 THE COURT: Ms. Serrano?

3 MS. SERRANO: Yes, Your Honor.

4 THE COURT: All right. So all but Mr. Beltran before
5 the Court are pleading pursuant to an information filed
6 against him. So I need to go over that process with those
7 defendants.

8 Mr. Oregel, Mr. Sewell and Mr. Govea, you are each charged
9 with felony offenses. Under the United States Constitution,
10 you may not be charged with a felony offense unless a grand
11 jury finds by the return of an indictment that a felony
12 occurred and that you committed it. However, you may waive
13 your right to indictment by the grand jury and consent to
14 being charged by way of an information filed by the United
15 States Attorney's Office.

16 The felony charges against each of you have been brought
17 by the U.S. Attorney by the filing of just such an
18 information. If you do not waive indictment and the
19 government wishes to pursue this charge against you, then the
20 government must present its case to a grand jury and request
21 the grand jury to return an indictment on the charge.

22 A grand jury is composed of at least 16 but not more than
23 23 persons, and at least 12 grand jurors must find that there
24 is probable cause to believe that you committed the offense
25 with which you're charged before you can be indicted. So the

1 government might or it might not indict you on this charge,
2 but if you waive your right to indictment by the grand jury,
3 the case will proceed against you based on the information
4 filed by the U.S. Attorney's Office just as though you have
5 been indicted.

6 So let me ask each of you. Have you discussed with your
7 attorney the matter of waiving your right to indictment by the
8 grand jury, and do you fully understand that right?

9 Mr. Oregel?

10 DEFENDANT OREGEL: Yes, Your Honor.

11 THE COURT: Mr. Sewell?

12 DEFENDANT SEWELL: Yes, Your Honor.

13 THE COURT: Mr. Govea?

14 DEFENDANT GOVEA: Yes, Your Honor.

15 THE COURT: Have any threats or promises been made in
16 an effort to induce you to waive indictment?

17 Mr. Oregel?

18 DEFENDANT OREGEL: No, Your Honor.

19 THE COURT: Mr. Sewell?

20 DEFENDANT SEWELL: No, Your Honor.

21 THE COURT: Mr. Govea?

22 DEFENDANT GOVEA: No, Your Honor.

23 THE COURT: And is it your wish and desire to waive
24 indictment by the grand jury?

25 Mr. Oregel?

1 DEFENDANT OREGEL: Yes, Your Honor.

2 THE COURT: Mr. Beltran -- I'm sorry, Mr. Sewell?

3 DEFENDANT SEWELL: No, Your Honor.

4 THE COURT: And Mr. Govea, is it your desire to waive
5 indictment?

6 DEFENDANT GOVEA: Yes, sir.

7 THE COURT: The final question on this topic, I see
8 that written waiver of indictments have been submitted with
9 papers in each case and appear to be signed by each defendant
10 and his counsel.

11 Is it your signature on that written waiver?
12 Mr. Oregel?

13 DEFENDANT OREGEL: Yes, Your Honor.

14 THE COURT: Mr. Sewell?

15 DEFENDANT SEWELL: Yes, Your Honor.

16 THE COURT: Is it your signature on the written
17 waiver?

18 DEFENDANT SEWELL: Yes, Your Honor.

19 THE COURT: And Mr. Govea?

20 DEFENDANT GOVEA: Yes, Your Honor.

21 THE COURT: Very well. I find that each of the
22 defendants has knowingly and voluntarily waived their right to
23 indictment by the grand jury and it is accepted here in court.

24 Have each of you received a copy of the charges against
25 you, your superseding indictment, Mr. Oregel?

1 DEFENDANT OREGEL: Yes, Your Honor.

2 THE COURT: Have you received your indictment,
3 Mr. Beltran?

4 DEFENDANT BELTRAN: Yes, sir.

5 THE COURT: Have you received your information,
6 Mr. Sewell?

7 DEFENDANT SEWELL: Yes, Your Honor.

8 THE COURT: And yours, Mr. Govea?

9 DEFENDANT GOVEA: Yes, Your Honor.

10 THE COURT: Have each of you read or had read to you
11 the charges against you, and do you fully understand the
12 nature of the charges against you?

13 Mr. Oregel?

14 DEFENDANT OREGEL: Yes, Your Honor.

15 THE COURT: Mr. Beltran?

16 DEFENDANT BELTRAN: Yes, sir.

17 THE COURT: Mr. Sewell?

18 DEFENDANT SEWELL: Yes, Your Honor.

19 THE COURT: Mr. Govea?

20 DEFENDANT GOVEA: Yes, Your Honor.

21 THE COURT: It would be appropriate for the United
22 States Attorney in each case to now read the charges that you
23 intend to plead guilty to here in open court. However,
24 because you fully understand the nature of the charges against
25 you, I will allow you to waive the reading of your charges.

1 Do you wish to waive that reading?

2 Mr. Oregel?

3 DEFENDANT OREGEL: Yes, Your Honor.

4 THE COURT: Mr. Beltran?

5 DEFENDANT BELTRAN: Yes.

6 THE COURT: Mr. Sewell?

7 DEFENDANT SEWELL: No, Your Honor.

8 THE COURT: Do you wish to have them read or waived?

9 DEFENDANT SEWELL: I'm sorry. I apologize. Yes,
10 Your Honor.

11 THE COURT: So you're waiving the reading of your
12 charges?

13 DEFENDANT SEWELL: Yes, Your Honor.

14 THE COURT: And Mr. Govea, do you wish to waive the
15 reading?

16 DEFENDANT GOVEA: Yes, Your Honor.

17 THE COURT: You also have the right to have explained
18 to you the essential elements of the offense to which you are
19 pleading. This is what the government would be required to
20 prove at your trial. They are set forth in your factual
21 resume if you would like to follow along, and we're going to
22 go over that document a little bit later. So I'm going to
23 call upon the United States Attorney in each case to now set
24 forth the essential elements. Please listen carefully as your
25 case is called, beginning with Mr. Oregel?

1 MS. SALEEM: The essential elements for Mr. Oregel
2 are as follows:

3 First, that the defendant knowingly possessed a controlled
4 substance.

5 Second, that the substance was, in fact, a mixture or
6 substance containing a detectable amount of heroin.

7 And, third, that the defendant possessed the substance
8 with the intent to distribute it.

9 THE COURT: Mr. Oregel, do you understand and admit
10 that you committed all of the essential elements of that
11 offense?

12 DEFENDANT OREGEL: Yes, Your Honor.

13 THE COURT: As to Mr. Beltran?

14 MS. SALEEM: The essential elements for Mr. Beltran
15 are as follows:

16 First, that on or about the date alleged the defendant was
17 an alien.

18 Second, that the defendant was previously deported and
19 removed from the United States.

20 Third, that the defendant was found in the United
21 States.

22 And, fourth, that the defendant had not received the
23 express consent of either the Attorney General of the United
24 States or the Secretary of the Department of Homeland Security
25 to reapply for admission to the United States since the time

1 of the defendant's deportation.

2 THE COURT: And, Mr. Beltran, do you understand and
3 admit that you committed all of the essential elements of that
4 offense?

5 DEFENDANT BELTRAN: Yes, sir.

6 THE COURT: As to Mr. Sewell?

7 MR. STEVENSON: Your Honor, as to Mr. Sewell, the
8 government would have to establish:

9 First, that the defendant knowingly conspired with another
10 person to provide materials, support or resources to a
11 designated foreign terrorist organization.

12 Second, that the defendant did so knowing that
13 the organization was a designated terrorist organization or
14 that the organization had engaged or was engaging in terrorist
15 activity or terrorism.

16 And, third, that the defendant was a citizen of the United
17 States.

18 THE COURT: Mr. Sewell, do you understand and admit
19 that you committed all of the essential elements of that
20 offense?

21 DEFENDANT SEWELL: Yes, Your Honor.

22 THE COURT: As to Mr. Govea?

23 MS. SALEEM: The essential elements are:

24 First, that the defendant knowingly possessed ammunition.

25 Second, before the defendant possessed the ammunition, he

1 had been convicted in a court of a crime punishable by
2 imprisonment for a term exceeding one year, that is, a felony
3 offense.

4 And, third, that possession of the ammunition affected
5 interstate or foreign commerce. That is, before the defendant
6 possessed the charged ammunition, it had traveled at one time
7 from one state to another or from between any part of the
8 United States and any country.

9 THE COURT: Mr. Govea, do you understand and admit
10 that you committed all of the essential elements of that
11 offense?

12 DEFENDANT GOVEA: Yes, Your Honor.

13 THE COURT: To all defendants, you are appearing here
14 today with your attorney. You have indicated to me that you
15 have discussed with your counsel the charges against you, the
16 matter of punishment and how the sentencing guidelines might
17 apply in your case.

18 Are each of you satisfied with the representation and
19 advice that you have received from your attorney?

20 Mr. Oregel?

21 DEFENDANT OREGEL: Yes, Your Honor.

22 THE COURT: Mr. Beltran?

23 DEFENDANT BELTRAN: Yes, sir.

24 THE COURT: Mr. Sewell?

25 DEFENDANT SEWELL: Yes, Your Honor.

1 THE COURT: Mr. Govea?

2 DEFENDANT GOVEA: Yes, Your Honor.

3 THE COURT: There is a plea agreement before the
4 Court as to Mr. Oregel. So I need to go over that with you
5 for a few moments.

6 I have been provided a plea agreement with waiver of
7 appeal. Is there a supplement in this matter?

8 MS. SALEEM: No, Your Honor.

9 THE COURT: So I'll ask you some questions about the
10 plea agreement I've been provided, Mr. Oregel.

11 First, it appears to be signed by you. Is it your
12 signature on Page 7 of your plea agreement?

13 DEFENDANT OREGEL: Yes, Your Honor.

14 THE COURT: And did you read or have read to you your
15 plea agreement, and do you fully understand this document?

16 DEFENDANT OREGEL: Yes, Your Honor.

17 THE COURT: By placing your signature upon the plea
18 agreement, are you asking the Court to accept and approve your
19 plea agreement with the government?

20 DEFENDANT OREGEL: Yes, Your Honor.

21 THE COURT: There is a waiver of appeal paragraph,
22 Paragraph 11, on Page 6. So I just want to specifically
23 direct your attention to that paragraph and ask you, did you
24 read and discuss with your attorney the waiver of appeal
25 paragraph?

1 DEFENDANT OREGEL: Yes, Your Honor.

2 THE COURT: Do you knowingly and voluntarily waive
3 your right to appeal as set forth in that paragraph?

4 DEFENDANT OREGEL: Yes, Your Honor.

5 THE COURT: Are all of the terms of your agreement
6 with the government set forth in this plea agreement document?

7 DEFENDANT OREGEL: Yes, Your Honor.

8 THE COURT: Did you voluntarily and of your own free
9 will enter into the plea agreement with the government?

10 DEFENDANT OREGEL: Yes, Your Honor.

11 THE COURT: Other than the written plea agreement,
12 has anyone made any promise or assurance to you of any kind in
13 an effort to induce you to enter a plea of guilty in your
14 case?

15 DEFENDANT OREGEL: No, Your Honor.

16 THE COURT: I'll note that the plea agreement is on
17 file as document Number 22 with the other papers in your
18 case.

19 Let me ask the other defendants. Has anyone made any
20 promise or assurance to you of any kind in an effort to induce
21 you to enter a plea of guilty in your case?

22 Mr. Beltran?

23 DEFENDANT BELTRAN: No, sir.

24 THE COURT: Mr. Sewell?

25 DEFENDANT SEWELL: No, Your Honor.

1 THE COURT: Mr. Govea?

2 DEFENDANT GOVEA: No, Your Honor.

3 THE COURT: Has anyone -- to all defendants, has
4 anyone mentally, physically, or in any other way attempted to
5 force you to plead guilty in your case?

6 Mr. Oregel?

7 DEFENDANT OREGEL: No, Your Honor.

8 THE COURT: Mr. Beltran?

9 DEFENDANT BELTRAN: No, sir.

10 THE COURT: Mr. Sewell?

11 DEFENDANT SEWELL: No, Your Honor.

12 THE COURT: Mr. Govea?

13 DEFENDANT GOVEA: No, Your Honor.

14 THE COURT: Do each of you understand that if your
15 plea of guilty is accepted by the Court, you will be adjudged
16 guilty of the charge against you, and your punishment will be
17 assessed somewhere within the range of punishment that is
18 provided by statute?

19 Do you understand, Mr. Oregel?

20 DEFENDANT OREGEL: Yes, Your Honor.

21 THE COURT: Mr. Beltran?

22 DEFENDANT BELTRAN: Yes, sir.

23 THE COURT: Mr. Sewell?

24 DEFENDANT SEWELL: Yes, Your Honor.

25 THE COURT: Mr. Govea?

1 DEFENDANT GOVEA: Yes, Your Honor.

2 THE COURT: Are you a citizen of the United States?
3 Mr. Oregel?

4 DEFENDANT OREGEL: Yes, I am.

5 THE COURT: Mr. Beltran?

6 DEFENDANT BELTRAN: No, sir.

7 THE COURT: Mr. Sewell?

8 DEFENDANT SEWELL: Yes, Your Honor.

9 THE COURT: Mr. Govea?

10 DEFENDANT GOVEA: Yes, Your Honor.

11 THE COURT: First, as to Mr. Beltran, I must inform
12 you that conviction in your case could result in deportation.
13 That is, you could be required to leave the United States and
14 it could adversely affect your ability to ever become a
15 citizen of the United States.

16 Have you discussed with your attorney the probability that
17 you could be deported if you are adjudged guilty of the charge
18 against you and that your deportation by U.S. Immigration
19 officials may even be mandatory or certain?

20 Have you done so?

21 DEFENDANT BELTRAN: Yes, sir.

22 THE COURT: As to the remaining defendants, as
23 citizens, I need to inform you that the offense to which you
24 are pleading guilty is a felony and conviction of a felony may
25 deprive you of valuable rights of your citizenship, such as

1 the right to vote, to hold public office, to ever serve on a
2 jury, to ever possess any kind of firearm, and other valuable
3 rights?

4 Do you understand that consequence, Mr. Oregel?

5 DEFENDANT OREGEL: Yes, I do.

6 THE COURT: Mr. Sewell?

7 DEFENDANT SEWELL: Yes, Your Honor.

8 THE COURT: Mr. Govea?

9 DEFENDANT GOVEA: Yes, Your Honor.

10 THE COURT: I'm going to call upon the United States
11 Attorney in each case to at this time state the potential
12 penalties for and consequences of conviction for the charge to
13 which each defendant proposes to plead. Again, please listen
14 carefully as your case is called.

15 MS. SALEEM: As to Mr. Oregel, the penalties the
16 Court can impose include imprisonment for a period not to
17 exceed 20 years. A fine not to exceed \$1 million, or twice
18 the pecuniary gain to the defendant or loss to the victims, or
19 both such fine and imprisonment. A term of supervised release
20 of not less than three years, which may be mandatory under the
21 law and will follow any term of imprisonment. If the
22 defendant violates any condition of the term of supervised
23 release, the Court may revoke such release term and require
24 the defendant serve an additional period of confinement. A
25 mandatory special assessment of \$100 and costs of

1 incarceration and supervision.

2 THE COURT: Mr. Oregel, do you understand that if you
3 plead guilty, you may be subject to those penalties and
4 consequences just explained?

5 DEFENDANT OREGEL: Yes, I do.

6 THE COURT: As to Mr. Beltran?

7 MS. SALEEM: The penalties the Court can impose
8 include imprisonment for a period not to exceed ten years, a
9 fine not to exceed \$250,000, or both fine and imprisonment. A
10 term of supervised release not to exceed three years, which
11 may be mandatory under the law and will follow any term of
12 imprisonment. If the defendant violates the conditions of
13 supervised release, he could be imprisoned for an additional
14 term of imprisonment as long as the term of supervised
15 release. A mandatory special assessment of \$100, costs of
16 incarceration and supervision. And the defendant recognizes
17 that pleading guilty may have consequences with respect to his
18 immigration status if he's not a citizen of the United States,
19 including removal from the United States.

20 THE COURT: Mr. Beltran, do you understand that if
21 you plead guilty, you may be subject to those penalties and
22 consequences just explained?

23 DEFENDANT BELTRAN: Yes, sir.

24 THE COURT: As to Mr. Sewell?

25 MR. STEVENSON: Your Honor, the penalties the Court

1 can impose include imprisonment for a period of not more than
2 20 years. A fine not to exceed \$250,000. A term of
3 supervised release of any term of years to life. If the
4 defendant violates the conditions of supervised release, he
5 could be imprisoned for an additional period of time. A
6 mandatory special assessment of \$100. Restitution to the
7 victims or to the community, which may be mandatory under the
8 law, and costs of incarceration and supervision.

9 THE COURT: Mr. Sewell, do you understand that if you
10 plead guilty, you may be subject to the penalties and
11 consequences just explained?

12 DEFENDANT SEWELL: Yes, Your Honor.

13 THE COURT: As to Mr. Govea.

14 MS. SALEEM: The penalties the Court can impose
15 include imprisonment for a period not to exceed ten years. A
16 fine not to exceed \$250,000, or both such fine and
17 imprisonment. A term of supervised release not to exceed
18 three years, which may be mandatory under the law and will
19 follow any term of imprisonment. If the defendant violates
20 any condition of supervised release, the Court may revoke such
21 release term and require that the defendant serve an
22 additional period of confinement. A mandatory special
23 assessment of \$100. Restitution to victims or to the
24 community, which may be mandatory under the law and which the
25 defendant agrees may include restitution arising from the

1 offense of conviction alone. Forfeiture of firearms and
2 ammunition, and costs of incarceration and supervision.

3 THE COURT: Mr. Govea, do you understand that if you
4 plead guilty, you may be subject to the penalties and
5 consequences just explained?

6 DEFENDANT GOVEA: Yes, Your Honor.

7 THE COURT: To all defendants, do you understand that
8 if the sentence you receive is more than you expect, you will
9 still be bound by your plea of guilty and you will have no
10 right to withdraw it?

11 Mr. Oregel?

12 DEFENDANT OREGEL: Yes, Your Honor.

13 THE COURT: Mr. Beltran?

14 DEFENDANT BELTRAN: Yes, sir.

15 THE COURT: Mr. Sewell?

16 DEFENDANT SEWELL: Yes, Your Honor.

17 THE COURT: Mr. Govea?

18 DEFENDANT GOVEA: Yes, Your Honor.

19 THE COURT: There is some language in the plea
20 agreement of Mr. Oregel that the government will dismiss any
21 remaining charges, if any, after the sentencing.

22 Since there is that language, I must inform you that if
23 the Court -- well, the Court must decide whether to accept the
24 plea agreement, and if the Court decides to reject the plea
25 agreement, you would then have the opportunity to change your

1 plea from guilty to not guilty. Do you understand,
2 Mr. Oregel?

3 DEFENDANT OREGEL: Yes, Your Honor.

4 THE COURT: To all defendants, we have covered a lot
5 of things up to this point. Does anyone have any questions
6 about anything we have talked about? If so, would you please
7 let your attorney know at this time?

8 MR. PALMER: No, Your Honor, not at this time.

9 THE COURT: All right. I see that there are no hands
10 without questions.

11 Having heard all of the foregoing, I now ask, how do you
12 plead to the one count superseding information against you,
13 Mr. Oregel, guilty or not guilty?

14 DEFENDANT OREGEL: Guilty, Your Honor.

15 THE COURT: How do you plead to the one count
16 indictment against you, Mr. Beltran, guilty or not guilty?

17 DEFENDANT BELTRAN: Guilty.

18 THE COURT: How do you plead to the one count
19 information against you, Mr. Sewell, guilty or not guilty?

20 DEFENDANT SEWELL: Guilty, Your Honor.

21 THE COURT: How do you plead to the one count
22 information against you, Mr. Govea, guilty or not guilty?

23 DEFENDANT GOVEA: Guilty, Your Honor.

24 THE COURT: To defense counsel, is the guilty plea of
25 your client consistent with your advice?

1 Mr. Palmer?

2 MR. PALMER: It is, Your Honor.

3 THE COURT: Mr. Stickney?

4 MR. STICKNEY: Yes, Your Honor.

5 THE COURT: Mr. Antonio?

6 MR. ANTONIO: Yes, Your Honor.

7 THE COURT: Ms. Serrano?

8 MS. SERRANO: Yes, Your Honor.

9 THE COURT: Then I will accept each of the pleas of
10 guilty before the Court on the condition that there is a
11 factual basis to support such plea. In federal court, we do
12 that by way of a document entitled a factual resume. I have
13 been provided factual resumes in each of the cases before me
14 this morning. These factual resumes appear to be signed by
15 each defendant and his counsel.

16 Is it your signature on your factual resume, Mr. Oregel?

17 DEFENDANT OREGEL: Yes, Your Honor.

18 THE COURT: Mr. Beltran?

19 DEFENDANT BELTRAN: Yes, sir.

20 THE COURT: Mr. Sewell?

21 DEFENDANT SEWELL: Yes, Your Honor.

22 THE COURT: Mr. Govea?

23 DEFENDANT GOVEA: Yes, Your Honor.

24 THE COURT: Have each of you read or had read to you
25 your factual resume, and do you fully understand this

1 document?

2 Mr. Oregel?

3 DEFENDANT OREGEL: Yes, Your Honor.

4 THE COURT: Mr. Beltran?

5 DEFENDANT BELTRAN: Yes, sir.

6 THE COURT: Mr. Sewell?

7 DEFENDANT SEWELL: Yes, Your Honor.

8 THE COURT: Mr. Govea?

9 DEFENDANT GOVEA: Yes, Your Honor.

10 THE COURT: Are the facts that are stated in your
11 factual resume true and correct?

12 Mr. Oregel?

13 DEFENDANT OREGEL: Yes, Your Honor.

14 THE COURT: Mr. Beltran?

15 DEFENDANT BELTRAN: Yes, sir.

16 THE COURT: Mr. Sewell?

17 DEFENDANT SEWELL: Yes, Your Honor.

18 THE COURT: Mr. Govea?

19 DEFENDANT GOVEA: Yes, Your Honor.

20 THE COURT: To defense counsel, are the facts stated
21 in your client's factual resumes consistent with the true
22 facts as you understand them from your investigation?

23 Mr. Palmer?

24 MR. PALMER: Yes, sir.

25 THE COURT: Mr. Stickney?

1 MR. STICKNEY: Yes, sir.

2 THE COURT: Mr. Antonio?

3 MR. ANTONIO: Yes, Your Honor.

4 THE COURT: Ms. Serrano?

5 MS. SERRANO: Yes, Your Honor.

6 THE COURT: It would be appropriate for the United
7 States Attorney to now read the stipulated facts portion of
8 each factual resume here in open court. However, because each
9 defendant affirmed that those facts are true and correct as
10 has their counsel, I will allow you to waive the reading of
11 your facts.

12 Do you wish to waive that reading, Mr. Oregel?

13 DEFENDANT OREGEL: Yes, Your Honor.

14 THE COURT: Mr. Beltran?

15 DEFENDANT BELTRAN: Yes.

16 THE COURT: Mr. Sewell?

17 DEFENDANT SEWELL: Yes, Your Honor.

18 THE COURT: Mr. Govea?

19 DEFENDANT GOVEA: Yes, Your Honor.

20 THE COURT: All right. Then I will order the filing
21 of the factual resumes to the extent they are not already on
22 file in each case.

23 The Court, being satisfied with the responses given during
24 this hearing, finds that each defendant is fully competent and
25 capable of entering an informed plea and that his plea of

1 guilty to the charge against him is a knowing and voluntary
2 plea, and the plea is supported by an independent basis in
3 fact containing each of the essential elements of the offense
4 charged against the defendant. I, hereby, accept each of your
5 pleas of guilty, and I pronounce you guilty of the charge
6 against you.

7 As I indicated earlier in the proceeding, a presentence
8 report will be prepared to assist the Court in sentencing.
9 You will be asked to give information for that report, and
10 your degree of cooperation could be a factor in the severity
11 of the sentence you receive.

12 Your attorney is ordered to be present at your interview
13 having a recent familiarity with the sentencing guidelines
14 and, specifically, Section 3E1.1, Application Note 1A, dealing
15 with acceptance of responsibility. You and your counsel will
16 be provided a copy of the presentence report well in advance
17 of the date of your sentencing, and you will have an
18 opportunity to make comments on it or any objections to it.

19 Because I have conducted this hearing rather than the
20 district judge based upon your consent and the referral to me,
21 I'm making a written report to your district judge telling him
22 what you have said and done here today and what I have found.
23 I also tell you that if you or your attorney have any
24 objections to anything that I have said or done or to the
25 written report itself, those objections must be filed within

1 14 days from the date of this hearing.

2 My clerk will deliver the presentence referral form to the
3 probation office. A copy of that form has been provided to
4 each defense counsel, and I remind counsel it is your
5 responsibility to contact the probation office as soon as
6 practicable for further instruction regarding the presentence
7 investigation.

8 All right. Mr. Beltran, you are scheduled to be sentenced
9 on September 26, 2019 at 10 o'clock a.m. before the Honorable
10 Judge Terry R Means.

11 The remaining defendants are scheduled to be sentenced on
12 August 12, 2019 at 9 o'clock a.m. before the Honorable Judge
13 Reed O'Connor. That will take place in this courtroom.

14 Is there any need to reconsider the custodial status as to
15 Mr. Oregel from the government?

16 MS. SALEEM: No, Your Honor.

17 THE COURT: Does the government stipulate that there
18 are facts sufficient for the Court to find that the defendant
19 will not present a risk of flight or nonappearance or danger
20 to the community if allowed to remain out on conditions of
21 release?

22 MS. SALEEM: Yes, Your Honor.

23 THE COURT: Then the Court so finds.

24 Mr. Oregel, I'll allow you to remain out on those
25 conditions. I have a favorable report that you are in

1 compliance. I'm sorry for what you're going through as well.
2 I've been informed. I hope that situation works out for you.
3 Please continue to abide by your conditions, but you are at
4 this time released on those conditions. Mr. Palmer is
5 excused.

6 DEFENDANT OREGEL: Thank you, Your Honor.

7 MR. PALMER: Thank you, Your Honor.

8 THE COURT: To the remaining defendants, it's
9 appropriate that you remain in the custody of the United
10 States Marshal pending further proceedings. So I remand you
11 at this time, and the attorneys are excused. Good luck to
12 each of you as you go forward.

13 (End of proceedings, 10:20 a.m.)

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20 CERTIFICATE

21 I certify that the foregoing is a correct transcript from
22 the record of proceedings in the above-entitled matter, and
23 that the transcript was prepared by me and under my
supervision.

24 s/ Ana P. Warren
Ana P. Warren, CSR #2302
25 U.S. District Court Reporter

2019

Date